

# TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



**Project Name:** 25<sup>th</sup> AVENUE TOWNHOMES

**Case Number:** PLD2004-00078; EVR2004-00072; VAR2004-00018;  
SEP2004-00142; ARC2004-00065

**Hearing Examiner:** Joe Turner

**Location:** 7900 & 7906 NE 25<sup>th</sup> Avenue

**Request:** Subdivide approximately one half acre into eight single-family attached units pursuant to the Townhouse Ordinance and an administrative variance to the street-side and side setbacks

**Applicant/Owner:** Osprey Development  
Attn: Dan Wisner  
4910 NW 127<sup>th</sup> Street  
Vancouver, WA 98685  
**Phone** - (360) 574-6047

**Applicant:** Sturtevant, Golemo & Associates  
Attn: Eric Golemo  
2211 Main Street  
Vancouver, WA 98660  
**Phone** – (360) 993-0911, **Fax** – (360) 993-0912  
**Email** - [Cwolf@Sgaengineering.com](mailto:Cwolf@Sgaengineering.com)

## **RECOMMENDATION**

**APPROVAL**, subject to conditions

**Team Leader's Initials:** \_\_\_\_\_ **Date Issued:** 11/8/04

**Public Hearing Date:** November 23, 2004

### **County Review Staff:**

	<b><u>Name</u></b>	<b><u>Phone Ext.</u></b>	<b><u>E-mail Address</u></b>
<b>Planner:</b>	Richard Daviau	4895	<a href="mailto:richard.daviau@clark.wa.gov">richard.daviau@clark.wa.gov</a>
<b>Engineer:</b>	Paul Knox	4910	<a href="mailto:paul.knox@clark.wa.gov">paul.knox@clark.wa.gov</a>
<b>Engineer:</b> (Trans. Concurrency):	Shelley Oylear	4354	<a href="mailto:shelley.oylear@clark.wa.gov">shelley.oylear@clark.wa.gov</a>
<b>Team Leader:</b>	Susan Ellinger	4272	<a href="mailto:susan.ellinger@clark.wa.gov">susan.ellinger@clark.wa.gov</a>
<b>Eng. Supervisor:</b>	Richard Drinkwater, P.E.	4492	<a href="mailto:richard.drinkwater@clark.wa.gov">richard.drinkwater@clark.wa.gov</a>

**Comp Plan Designation:** Urban Medium Density

**Zoning:** R-18

**Legal Description:** Tax Lots 124 (145047) and 129 (145052) in the Southeast quarter of Section 2 Township 2 North, Range 1 East of the Willamette Meridian

**Applicable Laws:**

Clark County Code Chapters: 40.220.020 (Residential Districts); 40.260.230 (Townhouse Standards); 40.350.020 (Concurrency); 40.350.030 (Transportation Standards); 40.370.010 (Sewer); 40.370.020 (Water); 40.380 (Stormwater and Erosion Control); 15.12 (Fire); 40.5 (Procedures); 40.540.040 (Subdivisions); 40.570 (SEPA); 40.6 (Impact Fees); and RCW 58.17 (State Platting Laws)

**Neighborhood Association:**

NE Hazel Dell Neighborhood Association, **Contact** – Bud Van Cleve, 1407 NE 68<sup>th</sup> Street, Vancouver, WA 98665, **Phone** - (360) 695-1466, **E-mail** - [BSVANC@aol.com](mailto:BSVANC@aol.com)

**Time Limits:**

The application was submitted on August 27, 2004 and determined to be fully complete on September 17, 2004. Therefore, the County Code requirement for issuing a decision within 92 days lapses on December 18, 2004. The State requirement for issuing a decision within 120 calendar days lapses on January 15, 2005.

**Vesting:**

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed.

A pre-application conference for the proposal was held on July 22, 2004 and the application was sufficiently complete to qualify for contingent vesting. A fully complete application was filed within 180 calendar days from the issuance of the pre-application conference report; therefore, the application is vested on the pre-application submittal date of June 24, 2004. The application vested for transportation concurrency on August 27, 2004.

**Public Notice:**

Several methods of community outreach were utilized in processing this application. Notice of application and public hearing was mailed to the applicant, neighborhood association, and property owners within 300 feet of the site on October 1, 2004. One sign was posted on the subject property and two within the vicinity on November 8, 2004. Notice of the SEPA Determination and public hearing was published in the "Columbian" Newspaper on November 8. A public hearing will be held on November 23, 2004, 2004 which will offer the public another opportunity to comment on the proposed development.

### **Public Comments:**

The County has not received written comments to date regarding the proposal.

### **Project Description/Background**

The applicant proposes to divide the subject site into 8 single-family attached residential lots. All lots in the proposed subdivision will have access via the proposed on-site private road (NE 81<sup>st</sup> Street). The following is a comprehensive plan, zoning and use chart of the area surrounding the site:

Compass	Comp Plan	Zoning	Current Land Use
Site	UM	R-18	Single-family residential
North	UM	R-18	Single-family attached residential
South	UM	R-18	Single-family attached residential
East	UM	C3	Church
West	UM	R-18	Single-family attached residential

### **Major Issues and Analysis**

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- |                                 |                                        |
|---------------------------------|----------------------------------------|
| 1. Earth                        | 9. Housing                             |
| 2. Air                          | 10. Aesthetics                         |
| 3. Water                        | 11. Light and Glare                    |
| 4. Plants                       | 12. Recreation                         |
| 5. Animals                      | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation                     |
| 7. Environmental Health         | 15. Public Services                    |
| 8. Land and Shoreline Use       | 16. Utilities                          |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

### **Major Issues:**

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

## **LAND USE:**

### Finding 1 – Density

The proposed townhouse development is located on .57 acres with only .05 acres to be dedicated for public right-of-way. The allowed density range for an R-18 residential development is 12 to 18 units per acre. Pursuant to CCC 40.220.020 C, densities shall be calculated based on the site area minus any public road right-of-way. Based on .52 acres of net site area, between seven and nine units are needed to meet density requirements. The proposed development complies with density requirements because applicant has provided 8 residential units.

### Finding 2 – Townhouse Standards

Pursuant to CCC 40.260.230 – Table 1, townhouse lots are required to be at least 1,800 square feet, a minimum width of 25 feet, and a minimum depth of 50 feet. All lots in the proposed subdivision comply with lot the dimensional requirements. All proposed lots meet the minimum area required excluding private road area (see Exhibit 15).

The applicant has submitted a site plan which identifies at least two parking spaces per unit; this exceeds the required one parking space per unit.

Pursuant to CCC 40.260.230, no more than 40 percent of the total front façade of each unit may be garage door area. The applicant has not submitted information that clearly demonstrates compliance with this requirement. Compliance with this requirement should be provided prior to final plat approval. (See Condition A-1)

### Finding 3 – Administrative Variance

The applicant has requested an administrative variance to the street-side and side setbacks. Specifically, the applicant proposes a nine foot street-side setback along NE 25<sup>th</sup> Avenue (instead of 10 feet) and a four foot side setback between lots 2 and 3 & lots 6 and 7 (instead of five feet). Staff has reviewed the proposed variance against the criteria of 40.550.020 A3 (a through d). The following is response to the four criteria:

- a. Staff finds that the granting of this variance will not substantially detract from the livability or appearance of the residential area. The proposed lot sizes are approximately 15 percent larger than required by Code and the required L2 Landscape Standards will provide an adequate buffer along NE 25<sup>th</sup> Avenue. Staff finds that the reduction in setbacks would not be perceptible to surrounding residents; therefore, this criterion is met.
- b. Since there are two administrative variances requested, a cumulative review is needed. However, staff finds a cumulative effect of both variances will not be a factor because they affect two different properties.
- c. Staff finds that any impacts created by the proposed variance will be adequately mitigated because larger lots than required are proposed and L2 landscape standards will be provided along NE 25<sup>th</sup> Avenue.
- d. This criterion is not applicable because the proposed variance will not impact pedestrian or vehicular access.

Based on the above findings, staff finds the proposal complies with the administrative variance criteria and should be approved.

#### Finding 4 – Setbacks

The following setbacks apply to the proposed plat:

- Eighteen foot front setback for garages (or other similar vehicular shelter)
- Ten foot front setback for other buildings
- Nine foot street side setback along NE 25<sup>th</sup> Avenue
- Four foot side setback along lot lines between lots 2 and 3 & lots 6 and 7
- 0-foot side attached setback
- Five foot standard side and rear setback for all other setbacks in the plat

The applicant has submitted a site plan which identifies compliances with setback requirements. A note on the plat is warranted that identifies setback requirements (see Plat Note D-1).

#### Finding 5 – Landscape Buffers

Pursuant to CCC Table 18.402A-1, L2 Landscape Standards are required along the site's frontage of NE 25<sup>th</sup> Avenue. The applicant has submitted a landscape plan, but it does not identify compliance with the required buffers. The applicant should submit a landscape plan that identifies compliance with L2 Landscape Standards along the site's frontage of NE 25<sup>th</sup> Avenue. (See Condition A-2)

#### Finding 6 - State Platting Standards (RCW 58.17)

With conditions of approval, staff finds the proposed subdivision will make appropriate provisions for the public health, safety, and general welfare. Continued connection of the existing and future residences to public water and sewer, as well as treatment of any future increase of stormwater runoff, will be provided, to protect groundwater supply and integrity. Impact Fees will also be required to contribute a proportionate share toward the costs of school, park and transportation provisions, maintenance and services.

#### **ARCHEOLOGICAL:**

##### Finding 7

The proposal is located within a high probability area for containing cultural resources. An archaeological predetermination was completed for the site by the County Archaeologist which included walk over meandering transects and one shovel test probe (Exhibit 8). No cultural items were found. Archaeological Services of Clark County recommends that no further archaeological work is necessary. If any cultural resources are discovered in the course of development construction, the Office of Archaeology and Historic Preservation in Olympia and Heritage Trust of Clark County should be notified. Failure to comply with these State requirements may constitute a Class C felony, subject to imprisonment and/or fines (see Condition D-2).

#### **TRANSPORTATION CONCURRENCY:**

##### Finding 8 – Concurrency

County concurrency staff has reviewed the proposal consisting of 8 townhouse residences. The applicant submitted a traffic profile for the proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. Due to the small trip impact, a traffic study is not required and the submitted traffic profile is adequate. Staff has determined

that the additional trips associated with the proposed development do not exceed travel speed, delay and LOS standards.

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

## **TRANSPORTATION:**

### Finding 9 – Circulation Plan

The evidence submitted with the application shows that there is no feasibility of providing additional cross roads within and in the vicinity of this development.

### Finding 10 – Roads

The site abuts NE 25<sup>th</sup> Avenue to the east. Frontage improvements were installed on the project frontage on NE 25<sup>th</sup> Avenue by a recently completed county road project and the only improvements required of this project will be the installation of the landscaping required along collector roads by CCC 40.320.030. The frontage landscaping shall be installed within the public right-of-way and shall be in addition to any required landscaping buffer located within the project boundaries. (See Condition A-3)

The applicant proposes to install a private road, NE 81<sup>st</sup> Street, to provide access from the site to NE 25<sup>th</sup> Avenue. Private roads in the urban area are required to meet the requirements of CCC 40.350.030(B)(10). The private road shown on the preliminary plans is not needed for public circulation, does not serve more than 100 lots, does not connect two public streets, does not conflict with the Arterial Atlas, and has addressed the requirement for pedestrian access by providing a sidewalk on the west side of the private street. The preliminary plan shows 20 feet of pavement from the back of the proposed rolled curbs and gutters. The required 20 foot pavement road width shall be measured from bottom (or flow line) of curb. (See Condition A-4)

### Finding 11 – Access

In order to clearly delineate the private road from the public street, a commercial concrete approach, as shown on Standard Drawing F17 shall be used to separate the public and private roads. This will provide a clear separation between the public and private portions of the road, provide pedestrian access across the private road in a sidewalk, and minimize maintenance operations on the public roadway. (See Condition A-5)

All driveways shall comply with the Transportation Standards and the requirements of the Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards.

The applicant shall be advised that access onto NE 25<sup>th</sup> Avenue may be limited to a right in-right out in the future.

### Finding 12 – Sight Distance

Driveways and intersections shall have unobstructed sight distance triangles in accordance with the provisions of Section CCC 40.350.030(B)(8). A preliminary sight distance certification was submitted with the application. The sight distances shall remain unobstructed after completion of the project. See Condition C-1

Finding 13 – Pedestrian/Bicycle Circulation

All sidewalks, driveway aprons, trails and road intersections shall comply with the Americans with Disabilities Act.

Finding 14 – Road Modifications

The applicant requests an administrative road modification to allow the use of a “shed roof” road cross section, rather than a normally crowned road section where the center of the road is higher than the two road edges at the bottom of curb. In order for the County to approve a modification request, one of the following conditions must be met:

- "A. Topography, right-of-way, existing construction or physical conditions, or other geographic conditions imposing an unusual hardship on the applicant, and an equivalent alternative, which can accomplish the same design purpose, is available;"
- "B. A minor change to a specification or standard is required to address a specific design or construction problem which, if not enacted, will result in an unusual hardship;"
- "C. An alternative design is proposed which will provide a plan equal to or superior to these standards; and,"
- "D. Application of the transportation standards to the development would be grossly disproportional to the impacts created."

The applicant states that the proposal to use a shed section road, where a constant slope is used from one side of the road to the other, will simplify the collection of stormwater on the private road and is an alternative design which provides a plan equal to the standard design with no loss of function. Staff concurs with applicant and recommends approval of the requested road modification request. (See Exhibit 11)

Conclusion

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan meets the requirements of the county transportation ordinance subject to conditions.

**STORMWATER:**

Finding 15 - Applicability:

The Stormwater and Erosion Control Ordinance CCC 40.380, adopted July 28, 2000 (amended July 30, 2002 and September 17, 2002), applies to development and/or redevelopment activities that result in 2,000 square feet or more of new impervious surface; and all land disturbing activities, except those exempted in Section 40.380.030.

The project will create more than 2,000 square feet of new impervious surface, and it is a land disturbing activity not exempted in Section 40.380.030. Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, 40.380.

The preliminary stormwater submittal states that the project adds less than 2,000 square feet of impervious area. As was stated in the preapplication report, the project is not exempt from the requirements of CCC 40.380.040(B)-Quality Control and CCC 40.380.040(C)-Quantity Control. The project will create approximately 12,600 square feet of new impervious surface. The fact that a portion of this area is incorporated into the design of the adjacent project does not change that fact.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in 40.380.020. This project is subject to the erosion control ordinance.

Finding 16 - Stormwater Proposal

The applicant proposes to manage onsite stormwater by collecting surface runoff from the parking lot to a proprietary water quality treatment catch basin and convey the flows via an existing private storm sewer line to an existing stormwater pond located on an adjacent subdivision known as Brown's Manor. The proposed stormwater management facilities are to be privately maintained by the property owner.

Finding 17 - Site Conditions and Stormwater Issues:

The site is currently a vacant lot with a large hard-packed area of bare ground in the center, with grasses and a number of mature ornamental trees located around the sites perimeter. The soils which underlie the site are poorly suited to infiltration of stormwater and the applicant does not propose to use infiltration facilities to manage site stormwater runoff. Two large residences were located on the site until they were demolished approximately two years ago and these impervious areas were included in the final stormwater calculations for the adjacent Brown's Manor subdivision toward which this property drains. As discussed above, the fact that this area was included in the stormwater calculations does not relieve this project of its responsibility to provide stormwater quality and quantity control in accordance with current code.

In accordance with Section CCC 40.380.040(C)(1)(h), all lots in the urban area must be designed to provide positive drainage from the bottom of footings to an approved stormwater system (See Condition A-6)

The applicant proposes to use a privately maintained proprietary (Stormwater Management Inc.) water quality treatment catch basin, to provide stormwater quality control of the site. Water quality treatment catch basins are not approved for use in the county. A small number of these systems have been approved as experimental systems in accordance with the procedures of CCC 40.380.040(B)(9), but they are not an approved BMP for general use. This includes privately maintained stormwater systems. The applicant shall revise the plans and stormwater report to provide stormwater quality control using county approved BMP's, or shall obtain approval of an alternative BMP in accordance with the procedures of CCC 40.380.040(B)(9). (See Condition A-7)

In accordance with earlier correspondence with the applicant's engineer, the county will accept a 10-foot wide easement for the private storm line which ties into the existing ditch inlet located on an adjacent property. The small pipe diameter and shallow depth



of this private storm line are factors which allow the county to accept the reduced width of easement, which is typically 15 feet. This inlet is located within a private easement, and behind an existing wood fence that is likely to be disturbed during construction. The connection will require the written authorization of the owner of the easement. (See Condition A-8)

The proposed stormwater management facility is to be privately owned and maintained. In accordance with the requirements of CCC 40.380.040(H)(3)(b), the county may inspect privately maintained facilities for compliance with the requirements of the county stormwater and erosion control ordinance, and take code enforcement action if the facilities are not being properly operated or maintained. The applicant shall provide easements or a covenant acceptable to the county for purposes of inspection of privately maintained facilities. (See Condition A-9)

### Conclusion

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan is feasible subject to conditions. Therefore, the requirements of the preliminary plan review criteria are satisfied.

### **FIRE PROTECTION:**

#### Finding 18

Tom Scott (in the Fire Marshal's Office) reviewed this application. Tom can be reached at (360) 397-2375 x 4095 or 3323 if there are any questions regarding the following review (The site is in Clark County Fire District 6):

- a. Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See Condition B-1)
- b. Fire flow in the amount of 1,500 gallons per minute supplied at 20psi for 60 minutes duration is required for this application. The applicant has submitted a utility review from the water purveyor indicating that the required fire flow is available to the area. Water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval. (See Condition A-10)
- c. Fire hydrants are required for this application and the indicated number and spacing is adequate. Hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Condition A-10)
- d. The roadways and maneuvering areas as indicated in the application adequately provide required fire apparatus access. The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (See Condition A-11)

**HEALTH DEPARTMENT:**

Finding 19

Submittal of a “Health Department Evaluation Letter” is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable “Health Department Final Approval Letter” must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. (See Condition E-7)

**UTILITIES:**

Finding 20

The applicant has submitted utility reviews from the Clark Public Utilities and the Hazel Dell Sewer District indicating that public water and sewer is available to the subject site. A copy of the final acceptance letter from the sewer and water purveyor should be submitted to the Health District with the final plat mylar. The applicant needs to comply with all requirements of the purveyor. (see Conditions E-8)

**IMPACT FEES:**

Finding 21

All residential lots created by this plat will produce impacts on schools, parks, and traffic, and will be subject to School (SIF), Park (PIF), and Traffic Impact Fees (TIF). The site is within the Vancouver School District with a SIF of \$1,450.00 per dwelling, Park District 8 with a PIF of \$994.00 (acquisition) & 321.00 (Development) per dwelling, and the Hazel Dell Transportation Subarea with a TIF of \$811.90 per dwelling.

Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate. (see Condition B-2 & D-9)

**SEPA DETERMINATION**

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an EIS;
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

### **Determination:**

Determination of Non-Significance (**DNS**). Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030(2)(e). This decision was made after review of a completed environmental checklist and other information on file with the County.

### **Date of Publication & Comment Period**

Publication date of this DNS is November 8, 2004, and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on November 22, 2004 (**the Public Comment Deadline**).

**Public Comment Deadline:**  
**November 22, 2004**

### **SEPA Appeal Process:**

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$186**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

*Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.*

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for

review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA appeal is can not be appealed the Board of County Commissioners, but must pursue judicial review.

**Staff Contact Person:** Richard Daviau, (360) 397-2375, ext. 4895

**Responsible Official:** Michael V. Butts  
Department of Community Development

## RECOMMENDATION

Based upon the findings and conclusions stated above, staff recommends that the Hearing Examiner **APPROVE** this request with the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

## Conditions of Approval

### A. Conditions that must be met prior to Final Plat Approval:

- A-1 The applicant shall submit elevation plans that clearly demonstrate that no more than 40 percent of the total front façade of each unit is garage door area (see Finding 2)
- A-2 The applicant shall submit a landscape plan that identifies compliance with L2 Landscape Standards along the site's frontage of NE 25<sup>th</sup> Avenue and L1 Landscape Standards along the site's other property lines (See Finding 5).
- A-3 The applicant shall be responsible for the installation of the landscaping required along collector roads by CCC 40.320.030. The frontage landscaping shall be installed within the public right-of-way and shall be in addition to any required landscaping buffer located within the project boundaries. (See Finding 10)
- A-4 The applicant shall install a private road, NE 81<sup>st</sup> Street, in accordance with the requirements of CCC 40.350.030(B)(10). The required 20 foot pavement road width shall be measured from bottom (or flow line) of curb (see Finding 10).
- A-5 In order to clearly delineate the private road from the public street, a commercial concrete approach, as shown on Standard Drawing F17 shall be used to separate the public and private roads. This will provide a clear separation between the public and private portions of the road, provide pedestrian access

across the private road in a sidewalk, and minimize maintenance operations on the public roadway (see Finding 11).

- A-6 In accordance with Section CCC 40.380.040(C)(1)(h), all lots in the urban area must be designed to provide positive drainage from the bottom of footings to an approved stormwater system (see Finding 17).
- A-7 Water quality treatment catch basins are not approved for use in the county. The applicant shall revise the plans and stormwater report to provide stormwater quality control using county approved BMP's, or shall obtain approval of an alternative BMP in accordance with the procedures of CCC 40.380.040(B)(9) (see Finding 17).
- A-8 In accordance with earlier correspondence with the applicant's engineer, the county will accept a 10-foot wide easement for the private storm line which ties into the existing ditch inlet located on an adjacent property. The small pipe diameter and shallow depth of this private storm line are factors which allow the county to accept the reduced width of easement, which is typically 15 feet. This inlet is located within a private easement, and behind an existing wood fence that is likely to be disturbed during construction. The connection will require the written authorization of the owner of the easement (see Finding 17).
- A-9 In accordance with the requirements of CCC 40.380.040(H)(3)(b), the applicant shall provide easements or a covenant acceptable to the county for purposes of inspection of privately maintained facilities. (See Finding 17)
- A-10 Water mains supplying fire flow and fire hydrants shall be installed, approved and operational. Required hydrants shall be installed per Fire Marshal standards with locations approved by the Fire District Chief. (See Finding 18b & 18c)
- A-11 The applicant shall ensure that fire apparatus access roads maintain an unobstructed width of not less than 20 feet, an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Finding 18d).

<b>B. Conditions that must be met prior to Building Permit Issuance:</b>
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- B-1 Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process.
- B-2 School, Park and Traffic Impact Fees are required for lots in this plat - \$1,450.00 (Vancouver School District), \$994.00, Acquisition, \$321.00, Development, (Park District #8), and \$811.90 (Hazel Dell Transportation sub-area) respectively. Impact fees shall be paid prior to issuance of a building permit for each lot. If a building permit application is made more than three years following the date of preliminary plat approval, the impact fees will be recalculated according to the then-current ordinance rate.

**C. Conditions that must be met prior to issuance of Occupancy Permits:**

- C-1 The corner and intersection sight distances shall remain unobstructed after completion of the project, in accordance with the provisions of Section CCC 40.350.030(B)(8). See Finding 12

**D. Notes Required on Final Plat**

The following notes shall be placed on the final plat:

**D-1 Setbacks:**

"The following setbacks apply to the proposed plat (see Finding 1):

- a. Eighteen foot front setback for garages (or other similar vehicular shelter)
- b. Ten foot front setback for other buildings
- c. Nine foot street side setback along NE 25<sup>th</sup> Avenue
- d. Four foot side setback along lot lines between lots 2 and 3 & lots 6 and 7
- e. 0-foot side attached setback
- f. Five foot standard side and rear setback for all other setbacks in the plat"

**D-2 Archaeological:**

"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."

**D-3 Private Roads:**

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

**D-4 Driveways:**

"All residential driveway approaches entering public roads are required to comply with CCC 40.350. No direct access is allowed onto the following streets: NE 25<sup>th</sup> Avenue."

**D-5 Critical Aquifer Recharge Areas:**

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

**D-6 Erosion Control:**

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

**D-7 Privately Owned Stormwater Facilities:**

"The Developer/Homeowners is responsible for long-term maintenance of the privately owned stormwater facilities."

**D-8 Utilities:**

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

**D-9 Impact Fees:**

"In accordance with CCC 18.65, the School, Park and Traffic Impact Fees for lots in this plat is: \$1,450.00 (Vancouver School District), \$1,315.00 (\$994.00 - Acquisition; \$321.00 - Development for Park District #8), and \$811.90 (Hazel Dell Transportation sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated \_\_\_\_\_, and expiring on \_\_\_\_\_. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

<b>E. Standard Conditions</b>
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This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

**E-1 Land Division:**

Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

**E-2 Pre-Construction Conference:**

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

**E-3 Erosion Control:**

- a. Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.
- b. For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.
- c. Erosion control facilities shall **not** be removed without County approval.

- d. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

**E-4 Excavation and Grading:**

- a. Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).
- b. Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

**E-5 Stormwater:**

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

**E-6 Transportation:**

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

**E-7 Health District:**

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer.

**E-8 Utilities:**

A copy of the final acceptance letter from the sewer and water purveyor shall be submitted to the Health District with the final plat mylar. The applicant shall comply with all requirements of the purveyor.

**E-9 Landscaping:**

Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.



**Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee.**

## **HEARING EXAMINER DECISION AND APPEAL PROCESS**

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 18.600.100 (D)(2).

5. A check in the amount of **\$279** (made payable to the Clark County Board of County Commissioners).

**Attachments:**

- Proposed Plot Plan
- Site Vicinity Map
- Zoning Map
- Copy of SEPA Checklist
- List of Exhibits Received to Date

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A copy of the preliminary plan, SEPA Checklist and County Code are available for review at:

**Public Service Center  
Department of Community Development  
1300 Franklin Street  
P.O. Box 9810  
Vancouver, WA 98666-9810  
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:  
<http://www.co.clark.wa.gov>